

Frank Agostino, Esq.
AGOSTINO & ASSOCIATES, P.C.
Attorneys for Defendant
14 Washington Place
Hackensack, NJ 07601
(201) 488-5400
Fagostino@agostinolaw.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	20 Civ. 3581
v.)	
)	
SARAH E. GLAISTER,)	
)	
Defendant.)	
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UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	20 Civ. 3583
v.)	
)	
JOHN K. GLAISTER,)	
)	
Defendant.)	
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UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	21 Civ. 4773
v.)	
)	ANSWER ON BEHALF OF
JOHN K. GLAISTER,)	DEFENDANT JOHN K. GLAISTER
)	
Defendant.)	
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The defendant, John K. Glaister ("Defendant"), through his undersigned counsel, by way of Answer to Plaintiff's Complaint to collect civil penalties, states:

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INTRODUCTION

1. Denies for lack of knowledge.
2. Admits.
3. Denies for lack of knowledge.
4. Denies for lack of knowledge.
5. Denies for lack of knowledge.
6. Admits.
7. Denies for lack of knowledge.

JURISDICTION AND VENUE

8. Denies for lack of knowledge.
9. Admits.
10. Admits.

REGULATORY BACKGROUND

11. Denies for lack of knowledge.
12. Denies for lack of knowledge.
13. Denies for lack of knowledge.
14. Denies for lack of knowledge.
15. Denies for lack of knowledge.

FACTUAL BACKGROUND

16. Admits.
17. Admits.
18. Admits.
19. Admits.
20. Admits.

A. NatWest Account

21. Admits.

22. Admits.

23. Denies.

24. Denies.

i. Calendar Year 2012

25. Denies for lack of knowledge.

26. Denies for lack of knowledge.

27. Denies.

28. Denies.

ii. Calendar Year 2013

29. Denies for lack of knowledge.

30. Denies for lack of knowledge.

31. Denies.

32. Denies.

iii. Calendar Year 2014

33. Denies for lack of knowledge.

34. Denies for lack of knowledge.

35. Denies.

36. Denies.

B. Income Tax Returns

37. Denies.

38. Admits.

39. Denies.

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40. Denies.

41. Denies.

C. Examination and Penalties

42. Denies for lack of knowledge.

43. Denies.

44. Admits.

45. Denies for lack of knowledge.

46. Denies for lack of knowledge.

47. Admits.

48. Denies for lack of knowledge.

Claim For Relief

49. Denies for lack of knowledge.

50. Denies for lack of knowledge.

51. Denies,

52. Denies.

DEFENDANT'S AFFIRMATIVE DEFENSES FOR 2012

1. Defendant's FBAR filing for 2012 was not untimely.

2. Equitable estoppel precludes Plaintiff's claim that Defendant's filing was untimely.

3. Defendant's failure to file, under 31 U.S.C. § 5321, was not willful.

4. Defendant substantially complied with his filing obligations under 31 U.S.C. § 5314.

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5. Reasonable cause excuses Defendant's alleged non-compliance with 31 U.S.C. § 5314.

6. If a penalty is appropriate, it cannot exceed \$10,000.00 because Defendant's failure was non-willful.

7. Plaintiff's penalty is excessive and violates the Excessive Fines Clause of the United States Constitution.

DEFENDANT'S AFFIRMATIVE DEFENSES FOR 2013

1. Defendant's FBAR filing for 2013 was not untimely.

2. Equitable estoppel precludes Plaintiff's claim that Defendant's filing was untimely.

3. Defendant's failure to file, under 31 U.S.C. § 5321, was not willful.

4. Defendant substantially complied with his filing obligations under 31 U.S.C. § 5314.

5. Reasonable cause excuses Defendant's alleged non-compliance with 31 U.S.C. § 5314.

6. If a penalty is appropriate, it cannot exceed \$10,000.00 because Defendant's failure was non-willful.

7. Plaintiff's penalty is excessive and violates the Excessive Fines Clause of the United States Constitution.

DEFENDANT'S AFFIRMATIVE DEFENSES FOR 2014

1. Defendant's FBAR filing for 2011 was not untimely.

2. Equitable estoppel precludes Plaintiff's claim that Defendant's filing was untimely.

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3. Defendant's failure to file, under 31 U.S.C. § 5321, was not willful.

4. Defendant substantially complied with his filing obligations under 31 U.S.C. § 5314.

5. Reasonable cause excuses Defendant's alleged non-compliance with 31 U.S.C. § 5314.

6. If a penalty is appropriate, it cannot exceed \$10,000.00 because Defendant's failure was non-willful.

7. Plaintiff's penalty is excessive and violates the Excessive Fines Clause of the United States Constitution.

WHEREFORE, Defendant respectfully requests this Court dismiss Plaintiff's complaint with prejudice, award Defendant attorney's fees and costs, and for any other relief this Court deems just and proper.

Dated: Hackensack, New Jersey
August 2, 2021

AGOSTINO & ASSOCIATES, A
Professional Corporation

By: 

Frank Agostino, Esq. (FA5896)
Attorneys for Defendant
JOHN K. GLAISTER
14 Washington Place
Hackensack, NJ 07601
(201) 488-5400
fagostino@agostinolaw.com

CERTIFICATE OF SERVICE

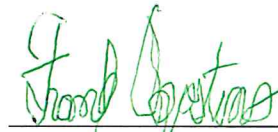
It is hereby certified that on August 2, 2021, I electronically filed the foregoing Answer for Defendant with the Clerk of the Court for the United States District Court, Southern District of New York using the CM/ECF system. Counsel for the Appellee is a registered CM/ECF user and will be served by the CM/ECF system.

I further certify that I have also sent courtesy copies of the Answer, via Certified Mail, Return Receipt Requested, to Plaintiff's counsel and Judge Roman's Chambers, respectively located at:

United States of America
United States Attorney's Office, SDNY
Attn: AUSA Rachael Doud
86 Chambers Street, 3rd Floor
New York, New York 10007

Honorable Nelson S. Roman
United States Courthouse
300 Quarropas Street
White Plains, NY 10601
Courtroom 218

Date: August 2, 2021



Frank Agostino
Counsel for Defendant
Agostino & Associates, P.C.
14 Washington Place
Hackensack, New Jersey 07601
Tel: (201) 488-5400, x. 107